

BOARD OF SELECTMEN
MINUTES
OCTOBER 23, 2006

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Virginia McIntyre, Chair; Anne D. Shapiro; Margaret B. Briggs; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager.

CONSENT AGENDA:

- Town Accountant's Warrants
- Gift Acceptance
 - Community Chest \$4,900 to Community Services Coordinator Gift Account
 - Community Chest \$2,500 to Council on Aging Volunteer Coordinator Gift Account
 - Watertown Iron Works, Inc. \$5,000 to 2006 Concord Open Golf Tournament
- Sunday Entertainment License
 - Concord Players "Lend Me a Tenor" February 18, 2007 2PM – 5PM
- Concord Players "She Loves Me" April 26 & May 6, 2007 2PM – 5PM
- Election Warrants

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the consent agenda.

TOWN MANAGER'S REPORT:

1. Town Manager Chris Whelan reported that due to an accident at Crosby Corner, east and west bound Route 2 traffic was routed through Concord on October 19th. Both Concord Fire and Police participated in safety and clean-up efforts. There were no injuries. The Police Chief has announced directed patrols along Route 2 to check conformance with traffic lights and to ensure that truck traffic complies with vehicular laws.
2. Assistant Town Manager Doug Meagher has successfully negotiated a communication tower lease with T Mobil on Town property at the rear of 135 Keyes Road. There will be an opportunity for public comment when the company appears before the Zoning Board of Appeals for a Special Permit.
3. Mr. Whelan noted the recent news coverage regarding 40B fraud. Neighboring towns have negotiated legal settlements from developers who made in excess of the permitted 20% profits. Such profits are to go to the towns. Mr. Whelan noted that Concord will investigate recent projects to ensure compliance. The Inspector General recommends that the Board of Selectmen designate a Town entity to be the auditor for 40B projects.
4. Cable Advisory Committee has a hearing on October 25th regarding CCTV performance.
5. Visitors from Concord's Sister City Nanae had an enjoyable meeting and tours of the wastewater treatment plant, the new pool, and the CPW facilities.

Regarding the audit of 40B projects, Ms. Shapiro asked whether the Finance Committee would be the appropriate body. Mr. Whelan noted that the Inspector General recommended that a housing group was the appropriate entity. Ms. Briggs asked for information regarding the nature of the excessive profits: whether the profit was built into the project, did units lapse from affordability and become market rate, was it management fees or land transactions. Mr. Whelan noted that the information is available from the Inspector General's Office. This matter will be on the agenda at the October 30th meeting.

Mr. Whelan stated that Jonathan Harris and Michael Ward of the Finance Department will summarize the results of the recent resident satisfaction survey shortly. They will note the lessons learned from survey responses and the planned focus groups.

COMMITTEE LIAISON REPORTS

Consent Agenda

Town Manager's
Report

Committee Liaison
Reports

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Mr. Benincasa reported that the Agriculture Committee will meet on October 26th with those interested in commercial agriculture. The meeting will discuss the pressures on local agriculture and how the committee can assist.

Mr. Benincasa reported that the Willard School Building Committee continues to meet on a regular basis. The RFP for the Owner's Project Manager has been released and that for Designer services in being drafted.

Ms. Briggs stated that the Community Preservation Committee has toured the nine or ten projects for which applications have been submitted. Historic resources, open space land purchase requests, and regional high school land were included. Proponents for each gave thorough presentations of their requests. Total funding requested well exceeds the amount available. The Town Manager will make a presentation on October 24 regarding the playing fields project. The public hearing will be on November 21st.

Ms. Briggs reported that the first meeting of the Village Overlay Committee was well attended. Toby Kramer, the Chair of the Planning Board, walked through the process and timing. Tours are planned for the buildings, land, architecture and parking of the three commercial centers. She noted that the schedule was aggressive and that it is hoped to be ready with potential zoning changes for 2008 Town Meeting.

Ms. Shapiro noted her concerns with the balance of skill sets on the three task forces. She felt that there was an over representation of realtors, real estate interests and architects with an under representation of the business sector. She hoped that this would not prevent full analysis and a balanced approach. Perhaps balance could be created through the Economic Development Council that the Board will soon charge.

Ms. McIntyre reported that a member of the Our Lady's Task Force had asked her for a meeting before the final documents are signed. In her opinion, it is now in the hands of the Town Manager and Town Counsel. She expressed gratitude for the efforts of the task force in the process, but felt that the process had gone on to final implementation. There was consensus with Ms. McIntyre's position.

Ms. McIntyre noted that the subject of Payment in Lieu of Taxes (PILOT) with major non-profits in Town had been raised at the last Chair Breakfast. In particular there was frustration in bringing non-profits to an understanding of the property tax dependence of the Town. A legislative solution was proposed that would seek a narrow exemption to tax exemption. Perhaps Concord should organize with peer towns with colleges, universities, and boarding schools within their borders in the same way as Stand Together Act Responsibly does with state land PILOTs. This group would make the case for compensating communities for the cost of educating children who live in non-taxable faculty housing and attend public schools. There must be a greater recognition of the burden that this puts on taxpayers. She suggested research on how similar towns address this issue. Mr. Howes asked whether there is information concerning the kind and amount of contributions to the community that non-profits currently make. Some of this is in the 2003 PILOT report of the Finance Committee.

There was discussion of the best approach to the non-profits that would result in voluntary contributions; on the other hand, it was felt that legislative route was a viable alternative; asking all the non-profits to sit together is counter productive; it is important to acknowledge the contributions that are made; this should be put on the agenda for future meetings.

CORRESPONDENCE

Ms. McIntyre requested that correspondence be an ongoing part of the agenda. She noted a letter on the clip regarding the traffic situation due to Starbucks patrons making illegal turns. She agreed to acknowledge the letter. Discussion included whether it is possible to require police details at such sites in the manner of construction details. Mr. Whelan noted that it was an option, but that the business cannot be penalized if it is operating within the limits of its permit.

FIRE DEPARTMENT AND EMERGENCY MANAGEMENT UPDATE

Correspondence

Fire Dept. update

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Chief Willette was present to update the Board of recent activities of the department. He stated that there had been a structure fire that required mutual aid due to the distance from the closest hydrant. There had been two vehicular accidents, one a fatality, on Route 2, in which firefighters provided triage, worked with the medical examiner, contained a fuel spill, and partnered with local and state police. In addition to protection of life and property, the department also protects the sensitive environment. To provide comprehensive services, different training and resources are required.

In addition to responding to emergencies, the department has added a focus on education of the public regarding personal, family, and neighborhood preparedness. Such skills will alleviate pressure on first responders in natural or manmade events. The Chief announced that the first of six sessions of Citizen Emergency Response Team (CERT) training was occurring. This is in addition to the sheltering training that has occurred and will be tested on November 18th at the regional high school. At this time, there will be a simulation of a sheltering emergency due to a fictional snow storm. Volunteers are needed.

Chief also reported on Continuity of Operations Training for Town staff. This will assist in determining key functions and ensuring that core business functions can continue. Some departments have already developed such plans. Plans for operations during a pandemic are not yet prepared as the Town awaits guidance from the State regarding mutual aid and other State assistance.

Chief Willette noted that three Concord Firefighters, Brian Whitney, Kevin Fagerquist, and William Haugh will be honored at a ceremony at Faneuil Hall for their efforts in rescuing canoeists from the Concord River.

BYLAW RE MOTOR CRAFT

Pete Funkhouser was present to recommend that the Town amend its 1962 bylaw regarding 10MPH speed limits on the rivers. Mr. Funkhouser proposed that the modification would instead become "no wake." Mr. Funkhouser stated that no wake was less technically precise, but had the benefit of being very clear. His purpose was not to target particular vehicles, but to limit his recommendation to speed and safety issues. In addition to the bylaw change, Mr. Funkhouser stated that additional signage was needed.

Upon a Motion duly made and Seconded, it was UNANIMOUSLY

VOTED: To ask that the Town Manager place a Bylaw Amendment on the 2007 Annual Town Meeting Warrant to limit river speeds to "No Wake."

DISCUSSION RE: HOUSING CORPORATION

Since the last Board meeting, various housing interests have provided input to the Board regarding the Housing Corporation legislation. Michael Malouf, Chair of the Affordable Housing Committee summarized the consensus of that input: the Board should dissolve the Affordable Housing Committee and make the Corporation the principal entity in creating housing that is more affordable; the Town should fund staff and operating expenses for creating housing; the agenda for the Corporation should include mortgage assistance, new housing development, fund raising, development of policy and bylaws, assuring that existing affordable housing remains affordable; eventually the Corporation should replace or absorb the Housing Trust and Housing Foundation; in early days the Trust and Housing Authority should be able to be co-applicants with the Corporation when seeking funding from the Community Preservation Committee; housing interests must be able to influence Corporation priorities and decisions; there should be a formal liaison relationship between the housing interests and the Corporation; the Board should appoint an advisory committee to the Corporation; and the Board should annually review the activities and Charge of the Corporation.

Bylaw re motor craft

Housing Corporation

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The Board discussed the value of starting small and succeeding. To do this, priorities must be set. Mr. Malouf stated that setting priorities was the first priority. He hoped to provide mortgage assistance, do fundraising for housing, undertake some development, and partner with other organizations, such as Habitat for Humanity.

The Board asked Mr. Howes to develop the Charge for the Corporation. He stated that he would meet with the housing interests to build on their input and asked that citizens submit Green Cards. He suggested that the Board would want to revisit the Charge in a year.

Mr. Howes stated that this group might be assigned the task of the 40B audits discussed earlier.

Mr. Benincasa stated that the public should be continually educated about the complex issues of creating housing. In his opinion, support for housing will grow once residents are aware of who can benefit from the services and how to access them.

Ms. Shapiro commented on the Wellesley model on which the Concord Corporation is modeled. She stated that the finance department should be consulted, and that early success is important. Ms. Shapiro stated that the Corporation should provide more services to more people for fewer dollars.

TOURISM COMMITTEE REPORT

Tourism Committee Chair Nicholas Michael appeared before the Board to report on the first year of the Committee's work, to define the scope of work planned for year two, and to seek an amendment to the committee charge. Present with him were Members Susan Curtin and Renee Garrelick.

Mr. Michael stated that the Charge asked the Committee to determine whether there was a role for Town government in tourism and, if so, what that role might be. He reported that the answer to the first part was "Yes" and that Committee work in the second year will be to answer the second part of the question. In addition, the Committee will be available to advise the Board on tourism issues.

The Tourism Committee has reviewed the Long Range Plan, developed a definition of tourism, identified the various entities in Town involved in tourism, and gathered data from vendors and members of Town staff.

The Committee determined that Town government is involved in tourism as it owns the Minute-man Statue, alleé and parking lot, the historic Sleepy Hollow Cemetery and burying grounds, the Thoreau birthplace, the Visitor Center, is responsible for tours and guides, signage and markers; organizes ceremonies, and collects hotel tax. However, there is not a single way to coordinate those activities.

The Committee undertook information gathering from a variety of tourism sites, tourism businesses, and town government re: marketing, promotion, visitor services, town economic vitality, financial issues and the interface with residents. The Committee learned that the Chamber supports an expanded role for the Town in tourism, the vendors would like to see a greater partnership with the Town as well as brand and marketing.

The 9% Hotel occupancy tax was a discussion point in some respondents. The Town keeps 4% and does not earmark those funds for tourism. The Committee will check whether Town Meeting voted to direct the funds to tourism, but is not asking for funds at this time. The second phase will include more extensive interaction with residents of Concord.

The Committee believes that it needs to clarify and formalize the Town's role in tourism, show the beneficial impact of tourism to residents, balance the tourism needs with residents' needs, and coordinate revenue opportunities that could support tourism so as not to burden Town budgets. Mr. Michael stated that the Committee believes that Concord's tourism should be coordinated by an entity that can create a comprehensive plan to enhance tourism, collaborate with tourism sites, and create a positive welcome for Concord visitors.

Tourism Committee

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In year two, the Committee will develop a recommendation to the Board regarding what form the tourism entity should take, how it can be funded and managed, what its responsibilities will be, how it relates to existing tourism entities, and how it could be beneficial to residents and businesses.

There were varied views of the proposal to continue the work of the Committee a second year. Board discussion included: whether this should fold into the work of the Economic Development Council; whether tourism is a unique focus to stand on its own with a liaison to the Economic Development Council; whether the work is complete or ongoing; what some of the marketing and branding products would be; whether the committee has the skills and time to accomplish the goals of the second year; does the committee envision an employee, consultant, or committee as the entity in charge of tourism; how this entity could be funded; increasing revenue from tourism would seem to be an Economic Development focus; the Economic Development Committee is in early stages and transferring the tourism tasks could lose momentum; the Economic Development is expected to look at businesses, licenses, signage, and zoning; larger work load in second year is basis for request to amend the Charge; will the committee explore the hypothesis of what is good for the Town or use that time to prove the hypothesis that it has reached; will the committee provide the Board appropriate information on how to evaluate its recommendation; will the Committee identify the group or person who will have the expertise to manage issues of the Visitor Center, tourism standards, and Guides, while providing continuity of program; a focus on increased revenue to the Town seems to be a good match with Economic Development council without losing step; the Committee should strive to complete its work in the next year; the focus should be on managing, not increasing tourism; .

Upon a Motion duly made and Seconded, the Committee

VOTED: ask that the Tourism Committee complete its two year Charge with the thanks of the Board. 3 – No Ms. Shapiro, Ms. McIntyre

Upon a Motion duly made and Seconded, the Committee UNANIMOUSLY

VOTED: To amend the Tourism Charge to increase the membership from seven to nine members and to allow the Committee to advise the Selectmen on tourism issues if asked.

FY08 BUDGET DISCUSSION

It was reported that the preliminary Guideline will be approved on Thursday October 26. The budgeting entities will review and respond to the Guideline Sub-Committee and the final Guideline will be approved in November.

ECONOMIC DEVELOPMENT COUNCIL MATRIX DISCUSSION

Ms. McIntyre reported that eight Green Cards have been received from interested volunteers. The Board intends to appoint a Council of nine Members, with two of those identified by the Concord Business Partnership and the Concord Chamber of Commerce. The Charge is in draft form and the Board intends to ask the appointed Council to refine and finalize it.

Ms. Shapiro noted that two of the candidates are not residents. In her opinion, it was not automatic that the candidates proposed by the Chamber and Partnership would be non-residents. She thought there could be residents who could represent the interests of these organizations. There was some disappointment that so few volunteers have submitted Green Cards when there was a good deal of interest in the notion to create the Council.

The Board agreed to make its nominations on October 30th and asked that the partnership and Chamber confirm their nominees by that time.

MISCELLANEOUS:

1. Ms. McIntyre noted that it was time for the Board to Perambulate the Boundaries as required by law. The Town Manager agreed to work with staff to arrange the event for mid-November after the leaves are down.

FY08

Economic Development Discussion

Miscellaneous

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2. Ms. McIntyre noted that she would like to re-appoint an individual who has served two full terms on the Records and Archives Committee. This seems to be precluded by APP #10. The Board agreed to look into this to consider whether an amendment to the policy is appropriate. Earlier there had been a discussion regarding the possibility of re-appointment to a Committee if the volunteer had completed two terms and had been off-board for a period. No changes to APP #10 had been made at that time.

COMMITTEE NOMINATIONS:

Mr. Benincasa nominated Sarah L Myers, of 667 Old Bedford Road to the Historic Districts Commission, term to expire May 31, 2011.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: To adjourn the Open Session and conclude business for the evening.

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Philip H. Benincasa	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Philip H. Benincasa, Clerk

Nomination